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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,985	10/10/2000	Johan Nilsson	027557-064	2763

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EXAMINER

TRAN, PABLO N

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 08/20/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

B

Office Action Summary

Application No.

09/684,985

Applicant(s)

NILSSON, JOHAN

Examiner

Pablo N Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by *Chheda et al.* (5,963,870).

As per claims 1, 11, 15, and 17, *Chheda et al.* disclosed a radio transceiver comprising a receiver, a quality estimator using an estimator algorithm to estimate the measured quality of the received signals, a speed estimator for measuring the relative velocity of the transceiver, and wherein the measured relative velocity is used as an input to the quality estimator (fig. 1, abstract, col. 3/ln. 46-col. 4/ln. 17, col. 4/ln. 33-47, col. 52-67).

As per claims 2 and 12, *Chheda et al.* disclosed the measured quality is the signal-to-interference ratio (col. 46-51, col. 4/ln. 33-39, col. 5/ln. 8-23).

As per claim 3, *Chheda et al.* disclosed a comparison circuit for comparing the SIR ratio with a threshold value and a control circuit for transmitting a power control

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signal to a further transceiver based on the comparison result (col. 46-51, col. 4/ln. 33-39, col. 5/ln. 8-23).

As per claim 4, *Chheda et al.* disclosed the SIR ratio threshold is set to achieve a target value of a second measure quality (col. 46-51, col. 4/ln. 33-39, col. 5/ln. 8-23).

As per claim 5, *Chheda et al.* disclosed the second measure quality is bit error rate (col. 46-51, col. 4/ln. 33-39, col. 5/ln. 8-23).

As per claim 6, *Chheda et al.* disclosed the second measure quality is frame error rate (col. 46-51, col. 4/ln. 33-39, col. 5/ln. 8-23).

As per claims 7, 16, and 18, *Chheda et al.* disclosed the estimation algorithm having a response speed and the response speed of the estimation algorithm is controlled in response to the measured velocity of the transceiver (fig. 1, abstract, col. 3/ln. 46-col. 4/ln. 17, col. 4/ln. 33-47, col. 52-67).

As per claims 8 and 14, *Chheda et al.* disclosed a first higher response speed is used for a low measure speed of the transceiver and a second lower speed is used for a high measured velocity of the transceiver (fig. 1, abstract, col. 3/ln. 46-col. 4/ln. 17, col. 4/ln. 33-47, col. 52-67).

3. Claims 1-18 are rejected under 35 U.S.C. 102(a) as being anticipated by *Endo et al.* (EP0847146).

As per claims 1, 11, 15, and 17, *Endo et al.* disclosed a radio transceiver comprising a receiver, a quality estimator using an estimator algorithm to estimate the measured quality of the received signals, a speed estimator for measuring the relative

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velocity of the transceiver, and wherein the measured relative velocity is used as an input to the quality estimator (fig. 1, 4, 9, col. 13/ln. 45-col. 14/ln. 53, col. 21/ln. 19-col. 22-33).

As per claims 2 and 12, *Endo et al.* disclosed the measured quality is the signal-to-interference ratio (col. 13/ln. 45-col. 14/ln. 53, col. 21/ln. 19-col. 22/ln. 33).

As per claim 3, *Endo et al.* disclosed a comparison circuit for comparing the SIR ratio with a threshold value and a control circuit for transmitting a power control signal to a further transceiver based on the comparison result (col. 13/ln. 45-col. 14/ln. 53, col. 21/ln. 19-col. 22/ln. 33).

As per claim 4, *Endo et al.* disclosed the SIR ratio threshold is set to achieve a target value of a second measure quality (col. 13/ln. 45-col. 14/ln. 53, col. 21/ln. 19-col. 22/ln. 33).

As per claim 5, *Endo et al.* disclosed the second measure quality is bit error rate (col. 13/ln. 45-col. 14/ln. 53, col. 21/ln. 19-col. 22/ln. 33).

As per claim 6, *Endo et al.* disclosed the second measure quality is frame error rate (col. 13/ln. 45-col. 14/ln. 53, col. 21/ln. 19-col. 22/ln. 33).

As per claims 7, 16, and 18, *Endo et al.* disclosed the estimation algorithm having a response speed and the response speed of the estimation algorithm is controlled in response to the measured velocity of the transceiver (col. 13/ln. 45-col. 14/ln. 53, col. 21/ln. 19-col. 22/ln. 33).

As per claims 8 and 14, *Endo et al.* disclosed a first higher response speed is used for a low measure speed of the transceiver and a second lower speed is used for

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a high measured velocity of the transceiver (col. 13/ln. 45-col. 14/ln. 53, col. 21/ln. 19-col. 22/ln. 33).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wickman et al. (5,983,104), Soliman (6,490,460), Yamaguchi et al. (5,548,806), Yamashita (6,256,500), Bruckert et al. (5,778,030), Jou et al. (6,564,042), Chheda et al. (6,515,975), Agin (6,337,989), and Agin (6,549,785) disclose power control in radiotelephone communication system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PABLO N. TRAN
PATENT EXAMINER

August 14, 2003



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